

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DMO NORWOOD LLC d/b/a Dan O'Brien Kia
Norwood,

Plaintiff/Counterclaim
Defendant,

v.

Kia America, Inc.,

Defendant/Counterclaim
Plaintiff.

Case No. 1:22-cv-10470-ADB

**KIA AMERICA, INC.'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS AND RESPONSE TO INTERROGATORY**

Pursuant to Rules 7, 26 and 37 of the Federal Rules of Civil Procedure and Rules 7.1 and 37.1 of the Local Rules of the United States District Court for the District of Massachusetts, Defendant and Counterclaim Plaintiff Kia America, Inc. ("Kia") respectfully requests this Court to compel Plaintiff and Counterclaim Defendant DMO Norwood LLC d/b/a Dan O'Brien Kia Norwood ("DMO Norwood") to produce certain responsive documents and fully answer one interrogatory. In support of this motion, Kia relies on its Memorandum of Law, Declaration of Alan M. Mendelsohn, and the exhibits thereto, which are filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE, for the reasons set forth in Kia's Memorandum of Law, Kia respectfully requests the Court to enter an order:

1. Compelling DMO Norwood to produce responsive, non-privileged documents in its possession, custody or control in response to Request for Production Nos. 5 (subject to

- Kia's agreed limitations), 14, and 15 of Kia's First Request for Production, and Request for Production No. 30 of Kia's Second Request for Production;
2. Compelling DMO Norwood to fully answer Interrogatory No. 10 of Kia's Second Set of Interrogatories;
 3. Awarding Kia costs and fees for having to bring this Motion pursuant to Fed. R. Civ. P. 37; and
 4. Granting such further relief as the Court deems appropriate and just.

REQUEST FOR ORAL ARGUMENT

Kia believes that oral argument may assist the Court and hereby requests an oral argument on this motion.

Date: May 17, 2023

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Attorneys for Defendant Kia America, Inc.

LOCAL RULE 7.1(A)(2) AND 37.1 CERTIFICATION

I, Alan M. Mendelsohn, hereby certify that on September 13, 2022, I conferred with Tom Vangel and James Radke of Murtha Cullina LLP, who at the time were counsel for DMO Norwood concerning Kia's discovery requests. Greg Paonessa, Sara Judge, and Paul Harris from Burns Levinson, counsel for DMO Concord and DMO North Hampton (and now also counsel for DMO Norwood), also participated in the conference. I further certify that I followed up on Kia's discovery requests with Mr. Vangel and Mr. Radke on March 6, 16, and 22. After we were informed that Burns Levinson would be substituted for Murtha Cullina as counsel for DMO Norwood, I followed up with Burns Levinson regarding these requests on March 24, April 18, 24 and 27. On May 5, Burns Levinson confirmed that they refused to produce certain categories of information and indicated their willingness to meet and confer as to others. Accordingly, my colleague Kayla Ghantous and I met and conferred with Sara Judge and Greg Paonessa of Burns Levinson on May 8 to discuss remaining discovery issues. There are no issues addressed in this motion on which Kia has not met and conferred with DMO Norwood.

Date: May 17, 2023

/s/ Alan M. Mendelsohn
Alan M. Mendelsohn

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2023, I filed the foregoing document through the Court's ECF system, which will cause copies of the document to be sent electronically to the registered participants as identified on the Notice of Electronic Filing, including Plaintiff's counsel.

/s/ Kayla H. Ghantous

Kayla H. Ghantous